

# Pine Creek Agreement

Files

March 2, 1956

L. C. Jopson, Assistant State Engineer

OFFICE INTERPRETATION OF  
THE PINE CREEK NEAR ALTURAS  
AGREEMENT

The rights to water from Pine Creek near Alturas are included in the South Fork Pit River Watermaster Service Area. These rights are set forth in the Pine Creek Agreement. Paragraph 5 of this agreement, which defines the rights of the Dorris Ranch in relation to all other Pine Creek water users, is ambiguous and may be interpreted in two ways. A thorough search of all past agreements and records concerning past methods of distribution indicates that the intent of Paragraph 5 is as follows:

The entire Dorris Ranch, except the 340 acre Pine Creek field, can be irrigated from North Fork Pit River and shall be irrigated from that source if water is available. Water available for diversion by the Dorris Ranch from North Fork Pit River shall be determined as the sum of the flow being diverted from Parker Creek to Dorris Reservoir and the flow in North Fork Pit River above the old Hughes Dam near Alturas. Full allotment for the Dorris Ranch from North Fork Pit River is 37.98 cubic feet per second as set forth in the North Fork Pit River decree. With this amount or more available in North Fork Pit River, the Dorris Ranch shall be allotted only enough water from Pine Creek to adequately irrigate the 340 acres lying above the ditch from North Fork Pit River. Under this condition the Dorris Ranch shall be allotted from Pine Creek either 3.78 cubic feet per second or one-half the flow in Pine Creek at the Lower House, whichever is less. As the amount available in North Fork Pit River for the Dorris Ranch decreases below 37.98 cubic feet per second the deficiency shall be made up from Pine Creek. However, in no case does the Dorris allotment from Pine Creek exceed one-half the flow of the creek.

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March 2, 1956

In the future all pine Creek watermasters will be instructed to distribute Pine Creek water in accordance with this interpretation.

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L. C. Jopson  
Assistant State Engineer

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## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Modoc National Wildlife Refuge  
Post Office Box 1610  
Alturas, California 96101

Robert Steel  
Supervisory Watermaster  
P.O. Box 607  
Red Bluff, CA 96080

09/16/85

Dear Mr. Steel;

During a recent meeting with the local watermaster, Glynn Echols, it became apparent that there is confusion as to what amount of water the refuge should receive from Pine Creek when we are haying. Therefore, I would like to advise you that the refuge policy during haying is as follows:

"During the time period that hay is being harvested on Modoc N.W.R. the refuge would like to have its flow in Pine Creek reduced to .5 C.F.S. This will help the refuge conduct haying operations in a timely, expedient manner while allowing sufficient water to support aquatic life within the creek. At the conclusion of haying, the refuge requests that its entire allotment of the flow of the creek be returned for use on the refuge."

This policy will remain in effect until further notice. It is hoped that this policy is a help to the watermasters in the area. If you have any questions regarding this matter, please feel free to contact me at your convenience.

Sincerely;

E. Clark Bloom  
Refuge Manager

XERO COPY XERO COPY XERO COPY XERO COPY

All of the provisions and reservations of the foregoing agreement are subscribed to with an additional provision that the allotment of first priority class of E. H. Wall set forth in Schedule 2 thereof shall be increased from 0.90 cubic foot per second to 1.10 cubic feet per second, which results in an aggregate of allotments of first priority class in said Schedule 2 of 20.20 cubic feet per second.

E. H. Wall	F. Leoni	H. A. Heesch	Addie F. McDowell
Agnes Wall	Frances E. Sweeney	P. C. Weber	J. H. Thomas
Frank McArthur	Harriet C. Richardson	H. D. Essex	C. A. Estes
W. J. Dorris	S. A. Cantrall	Dorothy Goulden	W. S. Trumbo
A. E. Sweeney	P. S. Dorris	Mrs. Mary C. Miller or Mary C. D. Miller	

State of California )  
County of Los Angeles ) ss

On this 27th day of December, A.D., 1934, before me, Ann Wesson, a Notary Public in and for said County and State, personally appeared C. A. Estes, known to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

ANN WESSON  
Notary Public in and for said  
County and State

(SEAL)

State of California )  
City and County of ) ss.  
San Francisco )

On this 21st day of December in the year One Thousand Nine Hundred and Thirty-four, before me, C. R. HOLTON, a Notary Public in and for said City and County, residing therein, duly commissioned and sworn, personally appeared Mrs. Mary C. Miller, also known as Mary D. C. Miller, known to me to be the person described in, whose name is subscribed to and who executed the annexed instrument, and she acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the said City and County of San Francisco, the day and year last above written.

C. R. Holton, Notary Public  
In and for the City and County of  
San Francisco, State of California.

(SEAL)  
My Commission expires Oct. 9, 1938

State of California )  
County of Modoc ) ss

On this twelfth day of December, in the year 1934, before me, E.C. Bonner, a Notary Public in and for the County of Modoc, State of California, personally appeared P. S. Dorris, W. J. Dorris, F. Leoni, H. D. Essex, Stephen Cantrall, Harriet C. Richardson, W. S. Trumbo, Mary M. Dorris, Addie F. McDowell, P. C. Weber, C. A. Estes, Dorothy Goulden, A. E. Sweeney, Frank McArthur, H. A. Hoesch, and J. H. Thomas, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

E. C. Bonner, Notary Public in and for  
the County of Modoc, State of California

DRAFT  
CWYORK:jd  
February 15, 1974

C O P Y  
(From N.D. Files-Microfilm)

November 12, 1957

Wildlife Conservation Board  
722 Capital Avenue  
Sacramento, California

Gentlemen:

This letter is in answer to questions of R. <sup>J</sup>~~S~~. Nesbit, of your office, concerning water rights and watermaster service for Pine Creek Reservoir near Alturas, which we understand is being acquired by the Wildlife Conservation Board.

All rights to the use of water from Pine Creek below the California-Oregon Power Company powerhouse are set forth in an agreement signed by all users from the creek below the power house. The Department of Water Resources provides watermaster service to these users by enforcing the terms of this agreement. The right of the California-Oregon Power Company to divert water from Pine Creek for regulatory storage in Pine Creek Reservoir is not subject of this agreement, nor is the reservoir within the Watermaster Service Area. We do not anticipate that the reservoir water rights will ever become a part of the watermaster service area. The only connection between the water rights of the Pine Creek ranchers and the use of water at Pine Creek Reservoir is an understanding reached about 1940 between the ranchers and the owners of the reservoir, that the operation of the reservoir and power plant would not cause fluctuation in the flow of the creek during the irrigation season. This understanding has been honored by the power company and future owners of the reservoir will undoubtedly be expected to do the same.

Very truly yours,

HARVEY O. BANKS  
Director of Water Resources

BY /s/ William R. Giannelli  
William R. Giannelli  
Chief, Water Rights Division

D. W. Sabiston

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

16721 5-55 10M 8PO

MEMORANDUM

Files

DATE March 2, 1956

L. C. Jopson, Assistant State Engineer

SUBJECT OFFICE INTERPRETATION OF  
THE PINE CREEK NEAR ALTURAS  
AGREEMENT

The rights to water from Pine Creek near Alturas are included in the South Fork Pit River Watermaster Service Area. These rights are set forth in the Pine Creek Agreement. Paragraph 5 of this agreement, which defines the rights of the Dorris Ranch in relation to all other Pine Creek water users, is ambiguous and may be interpreted in two ways. A thorough search of all past agreements and records concerning past methods of distribution indicates that the intent of Paragraph 5 is as follows:

The entire Dorris Ranch, except the 340 acre Pine Creek field, can be irrigated from North Fork Pit River and shall be irrigated from that source if water is available. Water available for diversion by the Dorris Ranch from North Fork Pit River shall be determined as the sum of the flow being diverted from Parker Creek to Dorris Reservoir and the flow in North Fork Pit River above the old Hughes Dam near Alturas. Full allotment for the Dorris Ranch from North Fork Pit River is 37.98 cubic feet per second as set forth in the North Fork Pit River decree. With this amount or more available in North Fork Pit River, the Dorris Ranch shall be allotted only enough water from Pine Creek to adequately irrigate the (340) acres lying above the ditch from North Fork Pit River. Under this condition the Dorris Ranch shall be allotted from Pine Creek either 3.78 cubic feet per second or one-half the flow in Pine Creek at the Power House, whichever is less. As the amount available in North Fork Pit River for the Dorris Ranch decreases below 37.98 cubic feet per second the deficiency shall be made up from Pine Creek. However, in no case does the Dorris allotment from Pine Creek exceed one-half the flow of the creek.

Files

-2-

March 2, 1956

In the future all pine Creek watermasters will be instructed to distribute Pine Creek water in accordance with this interpretation.

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L. C. Jopson  
Assistant State Engineer

Also SEE:  
TP 5-6-7 OF PINE CREEK AGREEMENT

1                    AGREEMENT DETERMINING RIGHTS TO WATER  
2                    AND TO THE USE THEREOF FROM PINE CREEK  
3                    NEAR ALTURAS, IN MODOC COUNTY, CALIFORNIA

4                    ooo

5                    An agreement having been entered into on May 23, 1888, which agree-  
6                    ment defined certain rights to water and the use thereof from Pine Creek near  
7                    Alturas in Modoc County, State of California, a decree in the case of Churchill  
8                    vs. Danhauser having been entered on May 11, 1900, in the Superior Court of the  
9                    State of California in and for the County of Modoc, which decree defined some of  
10                   the rights to water and the use thereof from said creek, and three agreements  
11                   defining certain rights to water and the use thereof from said creek having  
12                   been executed on December 7, 1900, December 12, 1900, and April 9, 1904, all of  
13                   said agreements being recorded in the office of the County Recorder of Modoc  
14                   County, and it being the purpose of this agreement to supersede the afore-  
15                   mentioned agreements and said decree and to hereby effect an ascertainment and  
16                   determination of all the rights and interests of whatsoever kind and character  
17                   of the parties signatory hereto in and to the waters of said creek, and in and  
18                   to the use thereof, save and except as otherwise hereinafter provided in para-  
19                   graph 8, in order that a water master district, embracing the area served with  
20                   water from said creek, may be created in accordance with the provisions of  
21                   Section 37 of the Water Commission Act of the State of California, Statutes 1913  
22                   Chapter 586, as amended,

23                   NOW THEREFORE IT IS HEREBY AGREED by and between each, every and all  
24                   of the parties hereunto subscribed, and by and between each, every and all of  
25                   the persons, firms, corporations or interests signatory hereto that all of their  
26                   rights and interests of whatsoever kind and character in and to the waters of  
27                   said Pine Creek, and in and to the use thereof, save and except as otherwise  
28                   hereinafter provided in paragraph 8, are hereby and by these presents finally  
29                   settled and compromised as hereinafter set forth, and that all of the agree-  
30                   ments and the decree hereinabove referred to are hereby superseded and declared  
31                   of no force or effect.



1           1. This agreement shall be binding upon all the parties signatory  
2 hereto regardless of whether one or more of the claimants of rights in and to  
3 the waters of said Pine Creek, and in and to the use thereof, shall or shall  
4 not sign this agreement and shall have the effect of settling and determining  
5 all rights among, and by and between, all parties signatory hereto in and to  
6 the waters of said creek and in and to the use thereof, save and except as  
7 otherwise hereinafter provided in paragraph 8; provided however, that nothing  
8 contained in this agreement shall, or shall be construed to, in any manner,  
9 prejudice or affect any right, claim or defense of any party signatory hereto  
10 with respect to or against any person, firm, corporation or interest which  
11 may fail to subscribe these presents.

12           2. There is in said Modoc County a natural stream of water  
13 known as and called "Pine Creek", which said creek arises on the west slope  
14 of the Warner Range of mountains in said Modoc County, State of California,  
15 and flows thence in a general westerly direction between well defined banks  
16 in a well defined channel to, upon, and across some of the lands of some  
17 of the parties hereto, which lands are hereinafter described, to its con-  
18 fluence with South Fork of Pit River, and said creek has so flowed since  
19 the memory of man.

20           3. The various parties hereto are the owners of all of the lands  
21 embraced in the legal subdivisions set forth under their respective names in  
22 Schedule 1 hereunto annexed and made a part hereof; that the allotments of  
23 water from said Pine Creek as hereinafter set forth are for use upon the  
24 acreages described in said Schedule 1; and that said lands are depicted on  
25 the map herein referred to as the "Division of Water Resources Map", which  
26 map was prepared by the Division of Water Resources of the Department of  
27 Public Works of the State of California from its surveys made in 1931, which  
28 map is entitled, "Pine Creek Area, Modoc County", which map is filed in the  
29 office of said Division of Water Resources, and which map is incorporated  
30 herein and made a part hereof by reference.

31           4. The parties hereto are the owners of, or interested in, the

ditches, conduits, pipe lines and other means of diversion set after their respective names in Schedule 2 hereunto annexed and made a part hereof, and as depicted on said Division of Water Resources Map, and are entitled to divert water, as hereinafter set forth, through said means of diversion at the points of diversion depicted on said map and described in Schedule 2 hereunto annexed and made a part hereof.

5. The several parties named in Schedule 2 hereof shall be entitled to rights in and to the natural flow of Pine Creek, and in and to the use thereof, during the season of irrigation hereinafter defined in paragraph 7, for domestic, stock watering and irrigation purposes upon their respective lands as described in Schedule 1 hereof in accordance with the priorities, the quantities of water allotted, and through the ditches named, as set forth in Schedule 2 hereof, and shall be limited to the amounts directly applied to beneficial use; and all allotments set forth in Schedule 2, which are within the same priority class, are equal in priority and correlative in right and at all times when the water supply available for rights within a priority class is inadequate to supply all rights and allotments within said class, then during the continuance of such shortage, the owners of such allotments shall prorate the available water supply, if any, in excess of the quantity required for prior rights, in accordance with their respective allotments for that class; provided however, that under such proration no owner named in said Schedule 2 shall at any time be deprived of stock water from Pine Creek. It is understood and agreed that there are 1205.7 acres of land belonging to W. J. Dorris and P. S. Dorris included in Schedule 1 and excluded from Schedule 2; that said lands are irrigated by direct diversion from the North Fork of Pit River, and that certain of the lands mentioned in Schedule 2 are, at least, partially irrigated from the same source; that said waters of the North Fork of Pit River shall first be used to satisfy the irrigation needs of those tracts of land described in Schedule 1 and excluded from Schedule 2; that the irrigation needs of said lands are to be deemed satisfied when the drainage therefrom reaches twenty-five per cent of the irrigation head thereto; that all other available waters by direct diversion from said North Fork of Pit River in excess of the

amount necessary to satisfy the irrigation needs of the 1205.7 acres above mentioned, shall be taken to satisfy the allotments of said W. J. Dorris and P. S. Dorris mentioned in Schedule 2, and that any deficiency in the flow so available by direct diversion from said North Fork of Pit River upon the lands of W. J. Dorris and P. S. Dorris described in Schedule 2 shall then be made up by diversion from the waters of said Pine Creek in the proportion herein prescribed.

6. Subject to the foregoing rights, W. J. Dorris and P. S. Dorris, jointly, shall be entitled to divert from the natural flow of said Pine Creek, by means of the Dorris Reservoir Ditch, 3100 acre feet per annum, for storage in the Dorris Reservoir on Stockdill Slough; said water to be diverted from said Pine Creek at a point designated on said Division of Water Resources Map as Diversion 1, which is described in Schedule 3 hereof; said water to be stored in said Dorris Reservoir as depicted on said map.

7. All allotments of water of first and second priority classes hereinbefore provided in paragraph 5 shall be limited to diversion during the season of irrigation, which is defined as the period commencing on or about April 1, and extending to or about September 30th of each and every year; and the allotment of water hereinbefore provided in paragraph 6 shall be diverted without regard to season, but only during such times as there is an excess of water flowing in said Pine Creek over and above that necessary to supply the other users from said Creek with such waters as they can beneficially use.

8. Nothing herein contained shall, or shall be construed to, limit or restrict the rights of the various parties hereto who require waters from said Pine Creek for domestic and stock watering purposes, to divert and use such waters of said Creek as they may require for said purposes during the non-irrigation season.

9. The points of measurement of all allotments herein provided shall be at the respective points of diversion from said Pine Creek.

10. The term "directly apply to beneficial use", as herein used, shall be construed to designate the direct conveyance and application of water diverted to beneficial use without intermediate storage, except such regulatory storage as may be practiced for the purpose of equalizing the flow of water diverted to a convenient head.

1           11. The term "natural flow", as herein used, shall be construed to  
2 designate such flow as will naturally occur at any given point in a stream  
3 from the run-off of the water shed which it drains, from springs which  
4 naturally contribute to the stream, from seepage, and from waste and return  
5 flow from dams, conduits, and irrigated lands irrespective of the effect of  
6 regulatory storage; as distinguished from released stored water (other than  
7 regulatory storage) and from "foreign water" directly conveyed to a stream  
8 from another watershed.

9           12. The term "available water supply of Pine Creek", as herein used,  
10 shall be construed to designate the total amount of water available for diversion  
11 by the various diversions diverting from said Pine Creek; i.e., the water crop  
12 of said Pine Creek plus all waste and return flows to the stream, less all  
13 channel losses in the stream; said "available water supply of Pine Creek" at  
14 any given time to be determined by combining the total of all quantities of  
15 water being diverted from the stream with the flow of the stream immediately  
16 below all diversions at the time.

17           13. IT IS FURTHER AGREED that all allotments of water herein made shall,  
18 and shall be construed to, include all the right, title and interest in and to  
19 the waters of said Pine Creek, and in and to the use thereof, of the respective  
20 wife or husband, if any, of each of the parties hereto, and of all other persons  
21 who may be jointly or otherwise interested with any of the parties hereto in the  
22 lands described under their respective names in Schedule 1 hereof.

23           14. IT IS FINALLY AGREED that this agreement shall be recorded in the  
24 office of the County Recorder of Modoc County in order that the Division of  
25 Water Resources of the Department of Public Works of the State of California  
26 may create a water master district under the provisions of Section 37 of the  
27 Water Commission Act, which district may embrace the area served with water  
28 under the rights herein provided, as said area is described in Schedule 1 hereof;  
29 and the maximum continuous flow allotments of water set forth in Schedule 4,  
30 hereunto annexed and made a part hereof, shall be used as the basis under Section  
31 37f of said Water Commission Act for apportionment of the cost of administration  
and of the distribution of water in such water master district so created.

1                   IN WITNESS WHEREOF the parties hereto have affixed their hands and  
2 seals this 22nd day of November, 1933  
3

4  
5 P. G. Weber

November 22, 1933

6 C. A. Estes

" " "

7 Dorothy Goulden

Alturas

8 A. E. Sweeney

"

9 Frank McArthur

10 H. A. Heesch

11 J. H. Thomas  
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1 This agreement is subscribed with the following reservations:  
2 It is understood that the words "beneficially use" contained in paragraph 7  
3 hereof relate to the rights expressly provided herein, and that P. S. Dorris  
4 is entitled to use water from North Fork of Pit River as provided in para-  
graph 5 hereof on the irrigated lands contained in the  $S\frac{1}{2}$   $SW\frac{1}{4}$ ,  $NW\frac{1}{4}$   $SE\frac{1}{4}$ , and  
 $S\frac{1}{2}$   $SE\frac{1}{4}$  of Section 15, T 41 N, R 12 E, M.D.M. in addition to other lands  
described under his name in Schedule 1 hereof.

5 P. S. Dorris July 19, 1934

6 W. J. Dorris July 19, 1934

7 F. Leoni

8 H. D. Essex Sept. 22, 1934

9 Stephen Cantrall

10 Harriet C. Richardson

11 W. S. Trumbo Sept. 27, 1934

12 Mary M. Dorris

13 Mary C. Miller sometimes known as Mary C.D. Miller  
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SCHEDULE 1

DESCRIPTION OF LANDS IRRIGATED FROM PINE CREEK

Cantrall, Estate of Charlotte

229.2 acres lying within the following described tract:

E $\frac{1}{2}$  NW $\frac{1}{4}$  Sec. 33, T. 42 N., R. 13 E., M.D.B. & M.  
W $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 33, T. 42 N., R. 13 E., M.D.B. & M.  
W $\frac{1}{2}$  SE $\frac{1}{4}$  Sec. 33, T. 42 N., R. 13 E., M.D.B. & M.  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 33, T. 42 N., R. 13 E., M.D.B. & M.  
SW $\frac{1}{4}$  Sec. 33, T. 42 N., R. 13 E., M.D.B. & M.

→ Dorris, Mary M.

126.4 acres lying within the following described tract:

SE $\frac{1}{4}$  Sec. 17, T. 42 N., R. 13 E., M.D.B. & M.

Dorris, P. S.

1999.7 acres lying within the following described tract:

S $\frac{1}{2}$  SE $\frac{1}{4}$  Sec. 14, T. 42 N., R. 12 E., M.D.B. & M.  
NE $\frac{1}{4}$  Sec. 23, T. 42 N., R. 12 E., M.D.B. & M.  
E $\frac{1}{2}$  SE $\frac{1}{4}$  Sec. 23, T. 42 N., R. 12 E., M.D.B. & M.  
NW $\frac{1}{4}$  Sec. 24, T. 42 N., R. 12 E., M.D.B. & M. West of S. P. Property  
SW $\frac{1}{4}$  Sec. 24, T. 42 N., R. 12 E., M.D.B. & M.  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 24, T. 42 N., R. 12 E., M.D.B. & M. West of Alturas-Likely Road.  
NE $\frac{1}{4}$  Sec. 25, T. 42 N., R. 12 E., M.D.B. & M. West of Alturas-Likely Road.  
SE $\frac{1}{4}$  Sec. 25, T. 42 N., R. 12 E., M.D.B. & M.  
W $\frac{1}{2}$  Sec. 25, T. 42 N., R. 12 E., M.D.B. & M. East of S. Fork of Pit River.  
NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 26, T. 42 N., R. 12 E., M.D.B. & M. - N. of S.Fk. of Pit River.  
NE $\frac{1}{4}$  Sec. 36, T. 42 N., R. 12 E., M.D.B. & M.  
E $\frac{1}{2}$  NW $\frac{1}{4}$  Sec. 36, T. 42 N., R. 12 E., M.D.B. & M. - E. of S.Fk. of Pit River.  
E $\frac{1}{2}$  SW $\frac{1}{4}$  Sec. 36, T. 42 N., R. 12 E., M.D.B. & M. - E. of S.Fk. of Pit River.  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 36, T. 42 N., R. 12 E., M.D.B. & M.  
S $\frac{1}{2}$  SE $\frac{1}{4}$  Sec. 36, T. 42 N., R. 12 E., M.D.B. & M.  
N $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 1, T. 41 N., R. 12 E., M.D.B. & M.  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 1, T. 41 N., R. 12 E., M.D.B. & M.  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 14, T. 42 N., R. 12 E., M.D.B. & M. - E. of N.Fk. of Pit River.  
E $\frac{1}{2}$  NW $\frac{1}{4}$  Sec. 1, T. 41 N., R. 12 E., M.D.B. & M. - E. of S.Fk. of Pit River.

Dorris, W. J.

1906.2 acres lying within the following described tract:

E $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 24, T. 42 N., R. 12 E., M.D.B. & M.  
SE $\frac{1}{4}$  Sec. 24, T. 42 N., R. 12 E., M.D.B. & M. East of S.P. Tracks  
E $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 25, T. 42 N., R. 12 E., M.D.B. & M. East of Alturas-Likely Road.  
W $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 18, T. 42 N., R. 13 E., M.D.B. & M.  
NW $\frac{1}{4}$  Sec. 18, T. 42 N., R. 13 E., M.D.B. & M.  
E $\frac{1}{2}$  SW $\frac{1}{4}$  Sec. 18, T. 42 N., R. 13 E., M.D.B. & M.  
NW $\frac{1}{4}$  Sec. 19, T. 42 N., R. 13 E., M.D.B. & M.  
SW $\frac{1}{4}$  Sec. 19, T. 42 N., R. 13 E., M.D.B. & M.  
N $\frac{1}{2}$  SE $\frac{1}{4}$  Sec. 19, T. 42 N., R. 13 E., M.D.B. & M.  
S $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 19, T. 42 N., R. 13 E., M.D.B. & M.  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 19, T. 42 N., R. 13 E., M.D.B. & M.  
N $\frac{1}{2}$  Sec. 30, T. 42 N., R. 13 E., M.D.B. & M.  
S $\frac{1}{2}$  Sec. 30, T. 42 N., R. 13 E., M.D.B. & M. East of Alturas-Likely Road.  
S $\frac{1}{2}$  N $\frac{1}{2}$  Sec. 29, T. 42 N., R. 13 E., M.D.B. & M.  
N $\frac{1}{2}$  S $\frac{1}{2}$  Sec. 29, T. 42 N., R. 13 E., M.D.B. & M.  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 29, T. 42 N., R. 13 E., M.D.B. & M.  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 18, T. 42 N., R. 13 E., M.D.B. & M.  
E $\frac{1}{2}$  W $\frac{1}{2}$  SW $\frac{1}{4}$  Sec. 18, T. 42 N., R. 13 E., M.D.B. & M.  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 18, T. 42 N., R. 13 E., M.D.B. & M.



SCHEDULE 1 (Continued)

Dorris, W. J. (Continued)

NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 28, T. 42 N., R. 13 E., M.D.B. & M.  
N $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 31, T. 42 N., R. 13 E., M.D.B. & M.

Essex, Harry D.

138.4 acres lying within the following described tract:  
SE $\frac{1}{4}$  Sec. 13, T. 42 N., R. 12 E., M.D.B. & M.  
W $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 24, T. 42 N., R. 12 E., M.D.B. & M.

Eates, Clarence A.

147.0 acres lying within the following described tract:  
S $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 31, T. 42 N., R. 13 E., M.D.B. & M.  
W $\frac{1}{2}$  NW $\frac{1}{4}$  Sec. 32, T. 42 N., R. 13 E., M.D.B. & M.

Goulden, Dorothy

305.2 acres lying within the following described tract:  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 29, T. 42 N., R. 13 E., M.D.B. & M.  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 29, T. 42 N., R. 13 E., M.D.B. & M.  
E $\frac{1}{2}$  NW $\frac{1}{4}$  Sec. 32, T. 42 N., R. 13 E., M.D.B. & M.  
W $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 32, T. 42 N., R. 13 E., M.D.B. & M.  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 32, T. 42 N., R. 13 E., M.D.B. & M.  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 33, T. 42 N., R. 13 E., M.D.B. & M.

Heesch, Hans A.

154.2 acres lying within the following described tract:  
4 9 SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 28, T. 42 N., R. 13 E., M.D.B. & M.  
4 9 SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 29, T. 42 N., R. 13 E., M.D.B. & M.  
4 9 NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 32, T. 42 N., R. 13 E., M.D.B. & M.  
4 9 NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 33, T. 42 N., R. 13 E., M.D.B. & M.

Leoni, Felice

298.0 acres lying within the following described tract:  
NE $\frac{1}{4}$  Sec. 21, T. 42 N., R. 13 E., M.D.B. & M. South of Dorris Reservoir.  
N $\frac{1}{2}$  SE $\frac{1}{4}$  Sec. 21, T. 42 N., R. 13 E., M.D.B. & M.  
W $\frac{1}{2}$  NW $\frac{1}{4}$  Sec. 22, T. 42 N., R. 13 E., M.D.B. & M.  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 22, T. 42 N., R. 13 E., M.D.B. & M.  
SW $\frac{1}{4}$  Sec. 22, T. 42 N., R. 13 E., M.D.B. & M.

McArthur, Frank

165.6 acres lying within the following described tract:  
NW $\frac{1}{4}$  Sec. 31, T. 42 N., R. 13 E., M.D.B. & M.  
N $\frac{1}{2}$  SW $\frac{1}{4}$  Sec. 31, T. 42 N., R. 13 E., M.D.B. & M.  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 31, T. 42 N., R. 13 E., M.D.B. & M.

Sweeney, A. E. and Sweeney, F. (Laurence A. Cantrall)

159.2 acres lying within the following described tract:  
E $\frac{1}{2}$  SW $\frac{1}{4}$  Sec. 28, T. 42 N., R. 13 E., M.D.B. & M.  
W $\frac{1}{2}$  SE $\frac{1}{4}$  Sec. 28, T. 42 N., R. 13 E., M.D.B. & M.



SCHEDULE 1 (Continued)

Sweeney, A. E. and Sweeney, F. (Laurence A. Cantrall) (Continued)

S $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 28, T. 42 N., R. 13 E., M.D.B. & M.  
NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 33, T. 42 N., R. 13 E., M.D.B. & M.

Thomas, J. H.

147.0 acres lying within the following described tract:  
SE $\frac{1}{4}$  Sec. 31, T. 42 N., R. 13 E., M.D.B. & M.

Trumbo, W. S. and Trumbo, Alice B.

329.0 acres lying within the following described tract:  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 19, T. 42 N., R. 13 E., M.D.B. & M.  
SW $\frac{1}{4}$  Sec. 20, T. 42 N., R. 13 E., M.D.B. & M.  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 20, T. 42 N., R. 13 E., M.D.B. & M.  
NW $\frac{1}{4}$  Sec. 28, T. 42 N., R. 13 E., M.D.B. & M.  
NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 29, T. 42 N., R. 13 E., M.D.B. & M.

Wall, E. H. and Wall, Agnes

268.0 acres lying within the following described tract:  
SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 27, T. 42 N., R. 13 E., M.D.B. & M.  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 28, T. 42 N., R. 13 E., M.D.B. & M.  
NE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 28, T. 42 N., R. 13 E., M.D.B. & M.  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 33, T. 42 N., R. 13 E., M.D.B. & M.  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 33, T. 42 N., R. 13 E., M.D.B. & M.  
NW $\frac{1}{4}$  Sec. 34, T. 42 N., R. 13 E., M.D.B. & M.  
W $\frac{1}{2}$  NE $\frac{1}{4}$  Sec. 34, T. 42 N., R. 13 E., M.D.B. & M.  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 34, T. 42 N., R. 13 E., M.D.B. & M.

Webber, Peter C.

622.5 acres lying within the following described tract:  
S $\frac{1}{2}$  Sec. 32, T. 42 N., R. 13 E., M.D.B. & M.  
NE $\frac{1}{4}$  Sec. 5, T. 41 N., R. 13 E., M.D.B. & M.  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 4, T. 41 N., R. 13 E., M.D.B. & M.  
NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 6, T. 41 N., R. 13 E., M.D.B. & M.  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 6, T. 41 N., R. 13 E., M.D.B. & M.

Miller, Mary O.

72.0 acres lying within the following described tract:  
S $\frac{1}{2}$  SW $\frac{1}{4}$  Sec. 13, T. 42 N., R. 12 E., M.D.B. & M.

McDowell, Addie

55.0 acres lying within the following described tract:  
NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 13, T. 42 N., R. 12 E., M.D.B. & M.

# SCHEDULE 2

## PRIORITIES AND ALLOTMENTS TO VARIOUS WATER USERS FROM PINE CREEK

(Expressed in cubic feet per second and miner's inches under 4 inch pressure)

Name of User	Acreage to be supplied	Ditch	Allotments in cubic feet per Second and in Miner's inches under 4 inch pressure		
			First Priority Class	Second Priority Class	Total
W. J. Dorris and P. S. Dorris	2700	Dorris Lower and/or Dorris Reservoir	10.00 (500)	20.00 (1000)	30.00 (1500)
Hans A. Heesch <i>Swanson</i>	154	Heesch North, Heesch Upper South, and/or Heesch Lower South	0.65 (32½)	0.90 (45)	1.55 (77½)
Felice Leoni <i>Jack Rice</i>	298	Dorris Reservoir	1.00 (50)	2.00 (100)	3.00 (150)
Addie McDowell and	55	Dorris Reservoir	0.60 (30)	0.80 (40)	1.40 (70)
Mary C. Miller <i>Reynolds</i>	72	Dorris Reservoir			
W. S. Trumbo <i>Stevens</i>	329	Trumbo	1.20 (60)	2.15 (107½)	3.35 (167½)
F. H. Wall <i>Jack Rice</i>	268	Wall North and/or Wall South	0.90 (45)	2.40 (120)	3.30 (165)
(Lawrence A. Cantrall) A. E. Sweeney, and F. Sweeney <i>Jack Rice</i>	159	Dorris Upper Cantrall Upper Cantrall Middle, and/or Cantrall Lower	0.65 (32½)	0.90 (45)	1.55 (77½)
Marry M. Dorris and	126	Dorris Reservoir	0.60 (30)	0.80 (40)	1.40 (70)
Harry D. Essex	138	Dorris Reservoir			
Dorothy Goulden <i>Swanson</i>	150	Goulden	0.44 (22)	1.05 (52½)	1.49 (74½)
Estate of John Weber Charlotte Cantrall	229	Pine Creek Ditch	1.00 (50)	1.00 (50)	2.00 (100)
Frank McArthur <i>Jack</i>	166	Pine Creek Ditch	0.55 (27½)	1.50 (75)	2.05 (102½)
Clarence A. Estes <i>Young</i>	147	Pine Creek Ditch	0.37 (18½)	1.00 (50)	1.37 (68½)
Dorothy Goulden <i>Swanson</i>	155	Pine Creek Ditch	0.37 (18½)	1.00 (50)	1.37 (68½)
J. H. Thomas <i>Weber</i>	147	Pine Creek Ditch	0.37 (18½)	1.00 (50)	1.37 (68½)
Peter C. Webber	422	Pine Creek Ditch	1.30 (65)	3.50 (175)	4.80 (240)
Totals	5715		20.00	40.00	60.00

20.20

See supplementary agreement attached

1.10 cfs. Supplementary agreement attached

SCHEDULE 3

DESCRIPTION OF POINTS OF DIVERSION OF DITCHES  
DIVERTING FROM PINE CREEK STREAM SYSTEM

Dorris Reservoir Ditch

At a point (designated on Division of Water Resources Map as Diversion 1) which bears approximately N 2° 30' E, approximately 2400 feet distant from the Southwest corner of Section 35, T 42 N, R 13 E, M.D.B. & M., and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 35.

Wall South Ditch

At a point (designated on Division of Water Resources Map as Diversion 2) which bears approximately N 2° 30' E, approximately 2400 feet distant from the Southwest corner of Section 35, T 42 N, R 13 E, M.D.B. & M., and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 35.

Wall North Ditch

At a point (designated on Division of Water Resources Map as Diversion 3) which bears approximately N 2° 30' E, approximately 2400 feet distant from the Southwest corner of Section 35, T 42 N, R 13 E, M.D.B. & M., and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 35.

Trumbo Ditch

At a point (designated on Division of Water Resources Map as Diversion 4) which bears approximately S 69° 00' E, approximately 1700 feet distant from the Northeast corner of Section 34, T 42 N, R 13 E, M.D.B. & M., and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 34.

Pine Creek Ditch

At a point (designated on Division of Water Resources Map as Diversion 5) which bears approximately N 77° 30' E, approximately 750 feet distant from the Southwest corner of Section 27, T 42 N, R 13 E, M.D.B. & M., and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 27.

L. Cantrall Upper Ditch

At a point (designated on Division of Water Resources Map as Diversion 6) which bears approximately N 44° 30' E, approximately 400 feet distant from the Southwest corner of Section 27, T 42 N, R 13 E, M.D.B. & M., and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 27.

SCHEDULE 3 (Continued)

L. Cantrall Middle Ditch

At a point (designated on Division of Water Resources Map as Diversion 7) which bears approximately N 3° 00' E, approximately 700 feet distant from the Southwest corner of Section 27, T 42 N, R 13 E, M.D.B. & M., and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 27.

Dorris Upper Ditch

At a point (designated on Division of Water Resources Map as Diversion 8) which bears approximately N 29° 00' W, approximately 1050 feet distant from Southeast corner of Section 28, T 42 N, R 13 E, M.D.B. & M., and being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 28.

L. Cantrall Lower Ditch

At a point (designated on Division of Water Resources Map as Diversion 9) which bears approximately N 55° 00' W, approximately 1650 feet distant from the Southeast corner of Section 28, T 42 N, R 13 E, M.D.B. & M., and being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 28.

Dorris Lower Ditch

At a point (designated on Division of Water Resources Map as Diversion 10) which bears approximately N 66° 30' W, approximately 2350 feet distant from the Southeast corner of Section 28, T 42 N, R 13 E, M.D.B. & M., and being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 28.

Heesch North Ditch

At a point (designated on Division of Water Resources Map as Diversion 11) which bears approximately N 56° 00' E, approximately 1500 feet distant from the Southwest corner of Section 28, T 42 N, R 13 E, M.D.B. & M., and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 28.

Heesch Upper South Ditch

At a point (designated on Division of Water Resources Map as Diversion 12) which bears approximately N 56° 00' E, approximately 1500 feet distant from the Southwest corner of Section 28, T 42 N, R 13 E, M.D.B. & M., and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 28.

SCHEDULE 3 (Continued)

Heesch Lower South Ditch

At a point (designated on Division of Water Resources Map as Diversion 13) which bears approximately N  $3^{\circ} 00'$  E, approximately 1150 feet distant from the Southwest corner of Section 28, T 42 N, R 13 E, M.D.B. & M., and being within the  $SW\frac{1}{4}$   $SW\frac{1}{4}$  of said Section 28.

Goulden Ditch

At a point (designated on Division of Water Resources Map as Diversion 14) which bears approximately N  $38^{\circ} 00'$  W, approximately 1800 feet distant from the Southeast corner of Section 29, T 42 N, R 13 E, M.D.B. & M., and being within the  $NE\frac{1}{4}$   $SE\frac{1}{4}$  of said Section 29.

Dorris South Ditch

At a point (designated on Division of Water Resources Map as Diversion 15) which bears approximately N  $20^{\circ} 30'$  E, approximately 950 feet distant from the Southwest corner of Section 29, T 42 N, R 13 E, M.D.B. & M., and being within the  $SW\frac{1}{4}$   $SW\frac{1}{4}$  of said Section 29.

SCHEDULE 4

MAXIMUM CONTINUOUS FLOW ALLOTMENTS TO BE USED AS A  
BASIS FOR APPORTIONMENT OF EXPENSES INCURRED  
FOR WATER MASTER SERVICE

Name of Owner	Maximum Continuous Flow Allot- ment - Cubic feet per Second
Mary M. Dorris and Harry D. Essex	1.40
P. S. Dorris and W. J. Dorris	30.00
Dorothy Goulden	2.86
Hans A. Heesch	1.55
Felice Leoni	3.00
A. E. & F. Sweeney (Laurence A. Cantrall)	1.55
W. S. Trumbo	3.35
E. H. Wall	3.30
Estate of Charlotte Cantrall	2.00
Clarence A. Estes	1.37
Frank McArthur	2.05
J. H. Thomas	1.37
Peter C. Webber	4.80
Addie McDowell ) and ) Marry C. Miller )	1.40
Total	60.00